

The Gazette of India



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No. 15] NEW DELHI, SATURDAY, APRIL 11, 1953

NOTICE

The undermentioned Gazettees of India Extraordinary were published upto the 14th April 1953 :—

Issue No.	No. and date	Issued by	Subject
72	S. R. O. 625, dated the 26th March 1953.	Election Commission, India.	Election Petition No. 30 of 1952.
	S. R. O. 626, dated the 26th March 1953.	Ditto.	Election Petition No. 16 of 1952.
	S. R. O. 627, dated the 26th March 1953.	Ditto.	Election Case No. 4 of 1952.
73	S. R. O. 628, dated the 31st March 1953.	Ditto.	Election Petition No. 92 of 1952.

Copies of the Gazettees Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettees.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

ELECTION COMMISSION, INDIA

New Delhi, the 2nd April 1953

S.R.O. 635.—It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. BR-P/52(31), dated the 19th May, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively:—

Shri Pitamber Singh, Communist Party Office, P.O. Bettiah, District Champaran.

[No. BR-P/52(71)/1952.]

S.R.O. 636.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1950 (XLIII of 1950), the Election Commission, in consultation with the Central Government, hereby makes the following amendment in the Commission's notification No. 102/22/51-Elec.II, dated the 20th August, 1951, namely:—

"AMENDMENT"

In the Table appended to the said notification for the entries in columns 1 and 2 relating to the Mandi-Mahasu and Chamba-Sirmur constituencies the following entries shall respectively substituted:—

1	2
• Mandi-Mahasu	Deputy Commissioner, Mandi District'
• Chamba-Sirmur	Deputy Commissioner, Sirmur District."

[No. 157/22/53/3940.]

P. N. SHINGHAL, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 6th April 1953

S.R.O. 637.—It is hereby notified for general information that the Government of all States to which the Police Act, 1888 (III of 1888) extends have consented under section 4 of that Act to the exercise within their respective territories by the police force of every other State of the powers conferred by section 3 of the said Act.

2. The Notification of the Government of India in the late Home Department No. F.106/5/37-Police, dated the 16th November, 1937 is hereby superseded.

[No. 17/1/52-Police(I).]

U. K. GHOSHAL, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 1st April 1953

S.R.O. 638.—In exercise of the powers conferred by section 11 of the Chandernagore (Administration) Regulation, 1952 (Regulation No. 1 of 1952), the Central Government hereby extends to Chandernagore Parts I and II and sections 15 to 65 of Part III of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932) as at present in force in West Bengal, with the following modifications, namely:—

Modifications

1. Save as otherwise expressly provided in this notification, in Parts I and II and sections 15 to 65 of Part III for the words "State Government" wherever they occur, the words "Central Government" shall be substituted.
2. In section 1,—
 - (a) for sub-sections (2) and (3) the following sub-section shall be substituted, namely:—
 - "(2) It extends to the whole of Chandernagore;
 - (3) It shall come into force immediately".
 - (b) Sub-sections (4) and (5) shall be omitted.
3. Section 2 shall be omitted.
4. In section 3—
 - (a) clause (20) shall be omitted;

(b) for clause (40) the following clause shall be substituted namely:—
 “(40) ‘Premises’ includes lands, buildings, vehicles, tents, vans, structures of any kind, streams, drains, ditches or places open, covered, or enclosed, whether built on or not, and whether public or private and whether natural or artificial and whether maintained or not under statutory authority and any vessel lying in any river or other water.”

(c) clause (45) shall be omitted.

5. Sections 4, 5, 6 and 7 shall be omitted.

6. For section 8, the following section shall be substituted, namely:—

“8. *Constitution of a municipality for Chandernagore or any part thereof, and abolition or alteration of limits of such municipality.*—The Central Government may, by notification in the Official Gazette,—
 (a) constitute Chandernagore or any specified part thereof a municipality under this Act; or
 (b) withdraw the whole area comprised in the municipality from the operation of this Act, or
 (c) include within the municipality any local area or any part thereof contiguous to the same or excluded therefrom; or
 (d) divide the municipality into two or more municipalities, as the case may be; or
 (e) define the limits of any such municipality; or
 (f) revise the boundaries of two contiguous municipalities; or
 (g) alter the number of Commissioners of any such municipality in consideration *inter alia* of the increase or decrease in the population, income, number of voters and commercial and general importance of the place.”

7. In section 11 for the words “any municipality” the words “the municipality” shall be substituted.

8. In section 14 for the words “The Commissioners of every municipality already existing, and of every municipality newly constituted under this Act” the words “The Commissioners of every municipality newly constituted under this Act” shall be substituted.

9. In section 21, the following sub-section shall be added, namely:—

“(6) The functions conferred on the Committee by sub-section (1) and on the Commissioners by sub-section (5) shall, for the purposes of the first election under this Act, be exercisable by the Administrator of Chandernagore or any other officer authorised by him in this behalf.”

10. For section 23, the following section shall be substituted, namely:—

“23. *Qualifications of Commissioners and voters.*—(1) No person shall be qualified to be elected a Commissioner of a municipality who is not entitled to vote at an election of Commissioners of such municipality.
 (2) A person shall not be entitled to vote at an election of Commissioners in any municipality unless such person,
 (i) has attained the age of twentyone years; and
 (ii) is a citizen of India, and
 (iii) has for a period of not less than twelve months immediately preceding such election, been resident within the limits of the municipality, or has for the said period immediately preceding such election been in occupation of a holding and carrying on any trade or profession within the said limits.”
 (3) No person shall be entitled to vote at an election of Commissioners in any municipality who has been adjudged by a competent court to be of unsound mind.

11. In section 25, in sub-section (1) for the words “with the Chairman” the words “in case of the first election under this Act with the Administrator of Chandernagore and in other cases with the Chairman” shall be substituted.

12. In section 38, in clause (b), for the words and figures “the Indian Election Offences and Inquiries Act, 1920” the words, figures, letters and brackets “sections 171B and 171C of the Indian Penal Code (Act V of 1860)” shall be substituted.

13. In section 44, clause (c) shall be omitted.

14. In section 52, the words, brackets and figures "or to the holder of any of the other offices referred to in sub-section (1) of section 73" shall be omitted.

15. In section 57—

- (a) in sub-section (1), for the words and figures "the Indian Oaths Act, 1873" the words "any other law for the time being in force" shall be substituted;
- (b) In sub-section (3) for the words and figures "the Indian Oaths Act, 1873" the words "any other law for the time being in force" shall be substituted;
- (c) in sub-section (5), the words, brackets and figures "or that/such person is an alien exempted from disabilities imposed by the Bengal (Aliens) Disqualifications Act, 1918, in respect of election or appointment as a Commissioner" shall be omitted.

[No. D.1537-Eur.I/53.]

S. GUPTA, Under Secy.

MINISTRY OF STATES

New Delhi, the 7th April 1953

S.R.O. 639.—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950, the Central Government hereby extends to the State of Tripura the Bengal Shops and Establishments Act, 1940 (Bengal Act XVI of 1940) (hereafter in this notification referred to as the Act) as at present in force in the State of West Bengal with the following modifications, namely:—

Modifications

1. Save as otherwise expressly provided in this notification, for the words "State Government" wherever they occur in the Act, the words "Chief Commissioner of Tripura", shall be substituted.
2. In section 1—
 - (a) for sub-section (2), the following sub-section shall be substituted, namely:—
" (2) It extends to the whole of Tripura;"
 - (b) for sub-section (3), the following sub-section shall be substituted, namely:—
" (3) It shall come into force on such date or dates as the Chief Commissioner of Tripura may by notification in the Tripura Gazette appoint and different dates may be appointed for different areas of Tripura."
 - (c) sub-section (4) shall be omitted.
3. In sub-section (1) of section 2, for clause (8), the following clause shall be substituted, namely:—
" (8) 'notification' means a notification published in the Tripura Gazette."
4. In clause (a) of sub-section (1) of section 5, for the words 'State Government', the words 'Tripura Government' shall be substituted.
5. In section 6—
 - (a) in sub-section (1), for the words "one and a half days" wherever they occur, the words "one day" shall be substituted;
 - (b) in sub-section (3), the words "and the half day" and "and half day" wherever they occur shall be omitted.
6. In section 7—
 - (a) in sub-section (1) for the words "eight o'clock", the words "nine o'clock" shall be substituted;
 - (b) in sub-section (2), for the words "half past eight", the words "half past nine" shall be substituted.
7. In sub-section (1) of section 8, for the words "holidays at least one and a half days", the words "holiday at least one day" shall be substituted.
8. In sub-section (1) of section 9, for the words "holidays at least one and a half days", the words "holiday at least one day" shall be substituted.

Annexure

The Bengal Shops and Establishments Act, 1940 (Bengal Act XVI of 1940) as modified by this notification.

BENGAL ACT XVI OF 1940**THE BENGAL SHOPS AND ESTABLISHMENTS ACT, 1940**

An Act to regulate the holidays, payment of wages and leave of persons employed in shops, commercial establishments and establishments for public entertainment or amusement and the hours of work of persons employed in shops and establishments for public entertainment or amusement.

WHEREAS it is expedient to regulate the holidays, payment of wages and leave of persons employed in shops, commercial establishments and establishments for public entertainment or amusement and the hours of work of persons employed in shops and establishments for public entertainment or amusement;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Bengal Shops and Establishments Act, 1940.

(2) It extends to the whole of Tripura.

(3) It shall come into force on such date as the Chief Commissioner of Tripura may by notification in the Tripura Gazette, appoint and different dates may be appointed for different areas of Tripura.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context—

(1) "closed" means not open for the service of any customer;

(2) "commercial establishment" means an establishment in which there is conducted the business of advertising, commission, forwarding or commercial agency, a clerical department of a factory or of any industrial or commercial undertaking, an insurance company, joint stock company, bank, broker's office, or exchange, or such other establishment or class thereof as the Chief Commissioner may, by notification, declare to be a commercial establishment for the purposes of this Act, but does not include a shop or an establishment for public entertainment or amusement;

(3) "day" means a period of twenty-four hours beginning at midnight;

(4) "employer" means a person owning or having charge of the business of a commercial establishment or establishment for public entertainment or amusement, and includes an agent or manager of, and any other person acting on behalf of, such person in the general management or control of such establishment;

(5) "establishment for public entertainment or amusement" means a restaurant, eating-house, cafe, cinema, theatre and such other establishment or class thereof as the Chief Commissioner may, by notification, declare to be, for the purposes of this Act, an establishment for public entertainment or amusement, but does not include a shop or a commercial establishment;

(6) "factory" means a factory as defined in, or declared to be a factory under, the Factories Act, 1934 (XXV of 1934);

(7) "half day" means a period of six consecutive hours between the hours of half past eight o'clock ante meridiem and half past eight o'clock post meridiem;

(8) "notification" means a notification published in the Tripura Gazette;

(9) "person employed" means—

(i) in the case of a shop, a person wholly or principally employed in the shop in connection with the business of the shop.

(ii) in the case of a commercial establishment, a person wholly or principally employed in connection with the business of the establishment or in the case of a factory, a member of the clerical staff employed in such factory.

(iii) in the case of an establishment for public entertainment or amusement, a person wholly or principally employed, in the preparation

or serving of food or drink, or in attendance upon customers, or in cleaning any part of the establishment or the utensils used therein, or as attendant, cashier, clerk, doorkeeper, operator, or usher, or in some other similar capacity,

but does not include a shop-keeper or employer or the husband, wife, child, father, mother, brother or sister of a shop-keeper or employer who lives with, and is dependent on, such shop-keeper or employer;

- (10) "prescribed" means prescribed by rules made under this Act;
- (11) "rules" means rules made under this Act;
- (12) "shop" means any premises used wholly or in part for the wholesale or retail sale of commodities or articles, either for cash or on credit, and such other premises as the Chief Commissioner may, by notification, declare to be a shop for the purposes of this Act, but does not include a commercial establishment or an establishment for public entertainment or amusement;
- (13) "shop-keeper" means a person owning or having charge of the business of a shop, and includes an agent or manager of, and any other person acting on behalf of, such person in the general management or control of a shop; and
- (14) "week" means a period of seven days beginning at midnight on Saturday.

3. References to time of day.—References to the time of day in this Act shall be deemed to be references to Indian standard time, which is five and a half hours ahead of Greenwich mean time.

4. Powers of the Chief Commissioner.—(1) The Chief Commissioner may, for the purposes of all or any of the provisions of this Act, by notification declare—

- (a) to be a shop, any premises which are not premises of a commercial establishment or of an establishment for public entertainment or amusement,
- (b) to be a commercial establishment, any establishment which is not a shop or an establishment for public entertainment or amusement, and
- (c) to be an establishment for public entertainment or amusement, any establishment which is not a shop or a commercial establishment.

(2) The provisions of this Act specified in a notification under sub-section (1) shall apply to any premises or establishment which, under the provisions of that sub-section, has been declared to be a shop or a commercial establishment or an establishment for public entertainment or amusement, as the case may be.

(3) The Chief Commissioner may, by notification on account of such holiday or other occasion as may be prescribed, suspend the operation of all or any of the provisions of this Act in respect of any shop or establishment or class of shop or establishment for such period and subject to such conditions as it thinks fit.

5. Act not applicable to certain establishments, shops and persons.—(1) Nothing in this Act shall apply to—

- (a) offices of or under the Central or Tripura Government, the Reserve Bank of India, any Federal Railway or any local authority;
- (b) any railway service, water transport service, tramway or motor service, postal, telegraph or telephone service, any system of public conservancy or sanitation, any industry, business or undertaking which supplies power, light or water to the public and such other public utility companies or associations or classes thereof as the Chief Commissioner may, by notification, exempt from the operation of this Act;
- (c) clubs, residential hotels and boarding-houses;
- (d) stalls and refreshment rooms at railway stations, docks, wharves and airports;
- (e) establishments for the treatment or care of the sick, infirm, destitute or mentally unfit;
- (f) such shops or classes of shops, dealing mainly in vegetables, meat, fish, dairy produce, bread, pastries, sweetmeats, flowers or other perishable commodities, as the Chief Commissioner may, by notification, exempt from the operation of this Act so far as the sale of these articles is concerned;

- (g) shops dealing mainly in medicines, surgical appliances, bandages or other medical requisites, so far as the sale of these articles is concerned;
- (h) shops dealing in articles required for funerals, burials or cremations so far as the sale of these articles is concerned;
- (i) shops dealing in tobacco, cigars, cheroots, cigarettes, biris, pan, liquid refreshments sold retail for consumption on the premises, ice, newspapers or periodicals, so far as the sale of these articles is concerned;
- (j) shops dealing in supplies, stores or other articles necessary for ships, so far as the sale of these articles for ships is concerned;
- (k) shops or stalls in any public exhibition or show, so far as such shops or stalls deal in retail trade which is solely subsidiary or ancillary to the main purposes of such exhibition or show;
- (l) shops or stalls in any public fair or bazar held for a charitable purpose;
- (m) barbers' and hairdressers' shops;
- (n) shops dealing in petroleum products or spare parts for motor vehicles;
- (o) excise shops;
- (p) any person employed in a managerial or confidential capacity, or as a traveller, canvasser, messenger, watchman or caretaker, or exclusively in connection with the collection, despatch, delivery, and conveyance or customs formalities of goods;
- (q) such seasonal commercial establishments engaged in the purchase of raw jute or cotton or in cotton ginning or cotton or jute pressing, and the clerical departments of such seasonal factories, as the Chief Commissioner may, by notification, exempt from the operation of this Act;
- (r) such other establishments, shops or persons or classes of establishments, shops or persons, as the Chief Commissioner may, by notification, exempt from the operation of all or any of the provisions of this Act.

(2) Notwithstanding anything contained in sub-section (1), the Chief Commissioner may, by notification, declare that any shop, establishment or person specified in that sub-section shall not be exempt from the operation of such provisions of this Act as may be specified in the notification and that the provisions of this Act specified in such notification shall apply to such shop, establishment or person.

6. Holidays in shops.—(1) Every shop shall be entirely closed on at least one day in each week, and every person employed in a shop shall be allowed as **holidays at least one day in each week**:

Provided that, when there are conducted in a shop two or more trades or businesses, any of which is of such a character that, if it was the sole trade or business therein conducted, the provisions of this sub-section would not apply to that shop, such shop shall, so far as the conduct of that trade or business is concerned, be exempt from the operation of this sub-section.

(2) No deduction on account of any holiday allowed under sub-section (1) shall be made from the wages of any person employed in a shop.

(3) The day on which a shop shall be entirely closed in each week shall be such day as may be specified by the shop-keeper in a notice, which shall be displayed in a conspicuous place in the shop:

Provided that no shop-keeper shall, more often than once in every three months, alter the day so specified.

7. Hours of work in shops.—(1) No shop shall remain open after the hour of nine o'clock post meridiem; but any customer who was being, or was waiting in the shop to be, served at such hour may be served during the period of thirty minutes immediately following such hour:

Provided that, when there are conducted in a shop two or more trades or businesses, any of which is of such a character that, if it was the sole trade or business therein conducted, the provisions of this sub-section would not apply to that shop, such shop shall, so far as the conduct of that trade or business is concerned, be exempt from the operation of this sub-section.

(2) No person employed in a shop be required or permitted to work in such shop for more than ten hours in any one day and for more than fifty-six hours in any one week and after the hour of half past nine o'clock post meridiem:

Provided that in any day and in any week in which there occurs stock-taking, making-up accounts, settlement or such other business operation as may be prescribed, and during such other periods as may be prescribed, a person employed in a

shop may be required or permitted to work over-time in such shop for more than ten hours in such day and for more than fifty-six hours in such week, but so that the total number of hours so worked over-time by such persons does not exceed one hundred and twenty in any one year.

(3) No person employed in a shop shall be required or permitted to work in such shop—

- (a) for more than seven hours in any one day, unless he has been allowed an interval for rest of at least one hour during that day, and
- (b) for more than five hours in any one day, unless he has been allowed an interval for rest of at least half an hour during that day.

(4) The periods of work and intervals for rest of each person employed in a shop shall be arranged by the shop-keeper so that together they do not extend over more than twelve hours in any one day:

Provided that, if on any day a shop is entirely closed for a continuous period of not less than three hours prior to the hour specified in sub-section (1), such periods of work and intervals for rest may together extend over not more than fourteen hours in that day.

8. **Holidays in commercial establishments.**—(1) Every person employed in a commercial establishment shall be allowed as holiday at least one day in each week:

Provided that, when there are conducted in a commercial establishment two or more trades or businesses, any of which is of such a character that, if it was the sole trade or business therein conducted, the provisions of this sub-section would not apply to that commercial establishment, such commercial establishment shall, so far as the conduct of that trade or business is concerned, be exempt from the operation of this sub-section.

(2) No deduction on account of any holiday allowed under sub-section (1) shall be made from the wages of any person employed in a commercial establishment.

9. **Holidays in establishments for public entertainment or amusement.**—(1) Every person employed in an establishment for public entertainment or amusement shall be allowed as holiday at least one day in each week:

Provided that, when there are conducted in an establishment for public entertainment or amusement two or more trades or businesses, any of which is of such a character that, if it was the sole trade or business therein conducted, the provisions of this sub-section would not apply to that establishment, such establishment shall, so far as conduct of that trade or business is concerned, be exempt from the operation of this sub-section.

(2) No deduction on account of any holiday allowed under sub-section (1) shall be made from the wages of any person employed in an establishment for public entertainment or amusement.

10. **Hours of work in establishments for public entertainment or amusement.**—

(1) No person employed in an establishment for public entertainment or amusement shall be required or permitted to work in such establishment for more than ten hours in any one day:

Provided that, during such periods as may be prescribed, a person employed in an establishment for public entertainment or amusement may be required or permitted to work over-time in such establishment for more than ten hours in any one day, but so that the total number of hours so worked over-time by such person does not exceed one hundred and twenty in any one year.

(2) No person employed in an establishment for public entertainment or amusement shall be required or permitted to work in such establishment—

- (a) for more than eight hours in any one day unless he has been allowed an interval for rest of at least one hour during that day, and
- (b) for more than six hours in any one day unless he has been allowed an interval for rest of at least half an hour during that day.

(3) The periods of work and intervals for rest of each person employed in an establishment for public entertainment or amusement shall be arranged by the employer of such person so that together they do not extend over more than fourteen hours in any one day.

11. **Payment of wages.**—All wages payable to any person employed in a shop, commercial establishment or establishment for public entertainment or amusement shall be payable not later than the tenth day of the month immediately succeeding that in respect of which such wages are payable.

12. Leave.—A person employed in a shop, commercial establishment or establishment for public entertainment or amusement shall be entitled—

- (a) after every twelve months' continuous employment, to privilege leave on full pay for a total period not exceeding fourteen days, and
- (b) in every year, to casual leave on half pay for a total period not exceeding ten days:

Provided that—

- (i) privilege leave admissible under clause (a) may be accumulated upto a maximum of not more than twenty-eight days, and
- (ii) casual leave admissible under clause (b) shall not be accumulated.

13. Wages for over-time work.—When any person employed in any shop or establishment for public entertainment or amusement is required or permitted to work over-time in such shop or establishment in excess of the maximum limit of hours of work specified respectively in sub-section (2) of section 7 and sub-section (1) of section 10, the wages payable to such person in respect of such over-time work shall be calculated at the rate of one and one-quarter times the ordinary rate of wages payable to him, and such ordinary rate of wages shall be calculated in the manner prescribed.

14. Maintenance of records, registers and notices.—(1) Every shop-keeper and employer of an establishment for public entertainment or amusement shall for the purposes of this Act maintain such records and registers, and display such notices, as may be prescribed.

(2) Every employer of a commercial establishment shall for the purposes of this Act maintain such records and registers as may be prescribed.

15. Inspection.—(1) The Chief Commissioner may by notification, appoint such persons or such class of persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

(2) All Inspectors appointed under sub-section (1) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

16. Powers of Inspectors.—Subject to the rules, an Inspector appointed under section 15 may, for the purposes of this Act and within the local limits for which he is appointed, at all reasonable times enter into any place which is, or which he has reason to believe is, a shop or a commercial establishment or an establishment for public entertainment or amusement with such assistants, if any, being servants of the Government and make such examination of that place and of any prescribed record, register or notice maintained therein, as may be prescribed, and may require such explanation of any prescribed record, register or notice as he may consider necessary for the purposes of this Act:

Provided that no person shall be required under this section to answer any question or give any evidence tending to criminate himself.

17. Penalties.—(1) Whoever contravenes any of the provisions of section 6, 7, 8, 9 or 10 shall, on conviction, be punishable with fine which, for a first offence, may extend to two hundred and fifty rupees and, for a second or any subsequent offence may extend to five hundred rupees.

(2) Whoever contravenes any of the provisions of sections 11, 12, 13 or 14 and whoever, having custody of any prescribed record, register or notice, refuses or, without sufficient cause, fails to produce it on being so required by an Inspector under the provisions of section 16, shall, on conviction, be punishable with fine which may extend to fifty rupees.

18. Procedure.—(1) No Court inferior to a Presidency Magistrate or a Magistrate of the First Class shall try an offence punishable under this Act.

(2) No Court shall take cognizance of an offence punishable under this Act except upon complaint made by an Inspector appointed under section 15.

19. Indemnity.—No suit, prosecution or legal proceeding whatever shall lie against any person in respect of anything in good faith done or intended to be done under this Act or the rules.

20. Saving of certain rights and privileges.—Nothing in this Act shall affect any right or privilege to which any person employed in any shop, commercial establishment or establishment for public entertainment or amusement is entitled at the

date of the commencement of this Act under any other law for the time being in force or under any contract, custom or usage which is in force on that date, if such right or privilege is more favourable to him than any right or privilege conferred upon him by this Act.

21. Power to make rules.—(1) The Chief Commissioner may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for—

- (a) the holidays and other occasions on account of which a notification may be issued under sub-section (3) of section 4;
- (b) the business operations in connection with which and the periods during which, persons employed in shops and establishments for public entertainment and amusement may work over-time or in excess of the limit provided respectively in sub-section (2) of section 7, and sub-section (1) of section 10;
- (c) the manner of calculating ordinary rates of wages for the purposes of section 13;
- (d) the records and registers to be maintained, and the notices to be displayed, by a shop-keeper and an employer under section 14;
- (e) the manner of appointment and qualifications of Inspectors appointed under section 15;
- (f) the manner in which Inspectors appointed under section 15 shall exercise the powers conferred by section 16.

(3) In making any rule under this section the Chief Commissioner may direct that any person committing a breach thereof shall, on conviction, be punishable with fine, which may extend to fifty rupees, and where the breach is a continuing one, with a further fine which may extend to ten rupees for every day, after the first, during which the breach continues.

[No. 42-J.]

S. K. AYANGAR, Asstt. Secy.

ORDER

New Delhi, the 2nd April 1953

S.R.O. 640.—In exercise of the powers conferred by article 239 of the Constitution and sub-clause (a) of section 28(3) of the Government of Part C States Act, 1951 (XLI of 1951), and of all other powers enabling him in that behalf, the President is pleased to make the following Order, namely—

1. (1) This Order may be called the Lieutenant Governors (Himachal Pradesh and Vindhya Pradesh) (Salaries and Allowances) (Amendment) Order, 1953.

(2) It shall come into force at once.

2. For paragraph 5 of the Lieutenant Governors (Himachal Pradesh and Vindhya Pradesh) (Salaries and Allowances) Order, 1952, the following shall be substituted, namely:—

“5. Each Lieutenant Governor shall be entitled without payment of rent or hire to the use and maintenance of a Motor Car and a Jeep.

NOTE.—The term “maintenance” includes the cost of a driver, expenditure on petrol, repairs and other incidental charges.”

[No. 41-PA.]

V. VISWANATHAN, Joint Secy.

RESERVE BANK OF INDIA

Central Office

Bombay, the 31st March 1953

S.R.O. 641.—In pursuance of the Notification of the Government of India in the Finance Department No. 12(13)-FI/47, dated the 25th March, 1947, the Reserve

Bank hereby directs that the following amendments shall be made in the schedule to the notification of the Reserve Bank of India No. F.E.R.A. 10/47-RB, dated the 25th March, 1947, namely:—

In the said Schedule—

- (a) after the entry "Bank of India Ltd." the entry "Bank of Tokyo Ltd." shall be inserted.
- (b) after the entry "Imperial Bank of India" the entry "Indian Bank Ltd." shall be inserted.
- (c) after the entry "National Bank of India Ltd." the entry "National Bank of Pakistan" shall be inserted.
- (d) for the entry "Thomas Cook & Son Ltd." the entry "Thomas Cook & Son (Continental & Overseas) Ltd." shall be substituted.

[No. F.E.R.A.116/53-RB.]

B. RAMA RAU, Governor.

MINISTRY OF FINANCE

New Delhi, the 31st March 1953

S.R.O. 642.—In exercise of the powers conferred by clause (b) of section 3 of the Indian Coinage Act, 1906 (III of 1906), the Central Government hereby directs that on and with effect from the 1st day of April, 1953, the Indian Government Mint at 47, Strand Road, Calcutta shall be abolished.

[No. D.1419-F.II/53.]

(Department of Economic Affairs)

New Delhi, the 6th April 1953

S.R.O. 643.—In exercise of the powers conferred by section 24 of the Indian Coinage Act, 1906 (III of 1906), the Central Government hereby directs that coins which were in circulation as legal tender in the State of Hyderabad on the commencement of the Part B States (Laws) Act, 1951 (III of 1951) shall continue until the 31st March, 1953, to be legal tender in that State to the like extent and subject to the same conditions as immediately before the commencement of the said Act.

[No. F.2(24)-F.I/52(I).]

S.R.O. 644.—In exercise of the powers conferred by section 2A of the Currency Ordinance, 1940 (Ordinance IV of 1940), the Central Government hereby directs that currency notes of the denominational value of one rupee which at the commencement of the Part B States (Laws) Act, 1951 (III of 1951) were in circulation as legal tender in the State of Hyderabad shall continue until the 31st March, 1953, to be legal tender in that State to the like extent and subject to the same conditions as immediately before the commencement of the said Act.

[No. F.2(24)-F.I/52(II).]

S.R.O. 645.—In pursuance of the provisions of sub-section (2) of section 4 of the Hyderabad Coinage and Paper Currency (Miscellaneous Provisions) Act, 1953 (X of 1953), the Central Government hereby directs that the currency notes of denominational values exceeding one rupee issued under the provisions of the Hyderabad Paper Currency Act No. II of 1327F and in circulation as legal tender in the State of Hyderabad on the 31st day of March, 1953, shall continue until the 31st March, 1953, to be legal tender in the said State to the like extent and subject to the same conditions as immediately before the 31st day of March, 1953.

[No. F.2(24)-F.I/52(III).]

N. C. SEN GUPTA, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 2nd April 1953

S.R.O. 646.—In exercise of the powers conferred by section 27 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), the Central Government hereby

directs that the following amendments shall be made in the Foreign Exchange Regulation Rules, 1952, namely:—

In sub-rule (2) of Rule 5 of the said rules—

- (a) for the words “The Reserve Bank may require any exporter to produce such evidence in support of the declaration as may be in his possession or power to satisfy it”, the words “The Reserve Bank, or subject to such directions, if any, as may be given by the Reserve Bank, the Collector of Customs or the postal authorities may require any exporter to produce in support of the declaration such evidence as may be in his possession or power to satisfy them” shall be substituted.
- (b) in clause (i) the word “and” shall be omitted.
- (c) clause (ii) shall be re-numbered as clause (iii) and the following shall be inserted as clause (ii), namely:—
- “(ii) that the invoice value stated in the declaration is the full export value of the goods; and”

[No. F.32(1)-EFII/53.]

S. S. SHIRALKAR, Dy. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

HEADQUARTERS ESTABLISHMENT

New Delhi, the 2nd April 1953

S.R.O. 647.—The following notification by the Income-tax Investigation Commission is published for general information.

“NOTIFICATION

It is notified for general information that the Income-tax authority mentioned in column (1) of the table attached to this notice has been authorised with effect from the date mentioned in column (2) thereof by the Income-tax Investigation Commission, without prejudice to his regular duties, to be authorised Official under section 6 of the Taxation on Income (Investigation Commission) Act, 1947, and that under the provisions of the said Act, any person (including a person whose case is not under investigation) who is required by the said authorised official in the course of the investigation:—

- (1) to produce accounts or documents; and/or
- (2) to give information in respect of such accounts or document; and/or
- (3) to attend in person and answer questions on oath; and/or
- (4) to make or prepare statements on oath, giving information on specified matters;

shall be bound to comply with his requirements notwithstanding anything in any law to the contrary. Failure to comply with the requirements of the said authorised official may amount to an offence under Chapter X of the Indian Penal Code.

Name and designation of the Authorised Official	Date from which authorised	Address of the Headquarters office of the Authorised Official
1	2	3
Sri Ashtabhuja Prashad, Income-tax Officer, West Bengal.	19-3-1953	Avenue House, (2nd Floor), I/C Chowringhee Square, Calcutta.

NEW DELHI;
The 24th March, 1953.

(Sd.) RAMA NAND JAIN, Secy.
Income-tax Investigation Commission.”

[No. 28.]
N. D. MEHROTRA, Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 7th April 1953

S.R.O. 648.—The following draft of certain further amendments in the Indian Income-tax Rules, 1922, which the Central Board of Revenue proposes to make in exercise of the powers conferred by sub-section (1) of section 59 of the Indian Income-tax Act, 1922 (XI of 1922), is published as required by sub-section (4) of the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 20th April 1953.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the said Board.

Draft Amendments

In the form of Notice prescribed by rule 20 of the said Rules, the following amendments shall be made, namely:—

- (a) in line 1 of paragraph 1 for the words "take notice" the words "This is to give you notice" and for the words "the sum" the words "a sum" shall be substituted.
- (b) in lines 4 and 5 of paragraph 2 the words "you are hereby informed that" shall be deleted;
- (c) In line 1 of paragraph 3 for the words "You are required to pay the amount", the words "The amount is payable" shall be substituted; and in line 2 after the word "when" the words "if paid" shall be inserted.
- (d) For paragraph 5, the following paragraph shall be substituted, namely
 "5. Unless the total amount due, including the penalty is paid on or before ¹⁹ you will be liable to a further penalty (and a warrant of distress may be issued for the recovery of the whole amount due with cost)".

[No. 26.]

New Delhi, the 10th April 1953

S.R.O. 649.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendments shall be made in its Notification No. 32-Income-tax, dated the 9th November 1946, namely:—

In the Schedule appended to the said notification under the sub-head "IX-HYDERABAD", for the Ranges and Income-tax Circles, the following Ranges, Income-tax Circles and Wards shall be substituted namely:—

Vijayawada Range:

1. Vijayawada.
2. Special Circle, Vijayawada.
3. Warangal.
4. Eluru.
5. Machilipatnam.
6. Special Survey Circle, Vijayawada.

Rajahmundry Range:

1. Rajahmundry.
2. Vijayanagaram.
3. Visakhapatnam.
4. Kakinada.

Hyderabad Range:

1. All Wards of the City Circle, Hyderabad.
2. Salary Circle, Hyderabad.
3. Raichur.
4. Nizamabad.
5. Nanded.
6. Aurangabad.
7. Gulbarga.
8. Osmanabad.
9. Special Survey Circle, Hyderabad.

2. Where an Income-tax Circle stands transferred by this Notification from one Range to another Range appeals arising out of assessments made in that Income-tax Circle and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle is transferred shall on and from the date of this notification be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said circle is transferred.

[No. 25.]

K. B. DEB, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 1st April 1953

S.R.O. 650.—In exercise of the powers conferred by sub-clause (b) of clause 2 of the Iron and Steel (Scrap Control) Order, 1943, the Central Government is pleased to direct that the following amendment shall be made in the Notifications of the Government of India in the Ministry of Industry and Supply, No. I(1)-4(78)-A, dated the 6th January, 1951, No. I(1)-4(78)-B, dated the 6th January, 1951 and No. I(1)-4(78)-C, dated the 6th January, 1951, as amended from time to time, namely:—

In the Schedule annexed to each of the said Notifications, for the entry "Rationing Officer (Iron and Steel), Government of Bombay, Bombay", the entry "Controller of Iron and Steel and Cement, Government of Bombay, Bombay" shall be substituted.

2. This Notification shall take effect from the 1st April, 1953.

[No. SC(A)-4(109).]

S.R.O. 651.—In exercise of the powers conferred by sub-clause (b) of clause (2) of the Iron and Steel (Scrap Control) Order, 1943, the Central Government is pleased to authorise the Controller of Iron and Steel and Cement, Government of Bombay, Bombay, to exercise the powers of the Controller under clause 5C of the said Order, within the State of Bombay.

2. The notification of the Government of India in the Ministry of Industry and Supply, No. I(1)-4(32)-II, dated the 17th January, 1951 is hereby cancelled.

3. This Notification shall take effect from the 1st April, 1953.

[No. SC(A)-4(109)-A.]

S.R.O. 652.—In exercise of the powers conferred by sub-clause (b) of clause 2 of the Iron and Steel (Scrap Control) Order, 1943, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply, No. I(1)-4(78)-A, dated the 6th January, 1951, as amended from time to time, namely:—

In the Schedule annexed to the said Notification, for the entry "Deputy Rationing Officer (Iron and Steel), Government of Bombay, Bombay", the entry "Assistant Controller of Iron and Steel and Cement, Government of Bombay, Bombay" shall be substituted.

2. This Notification shall take effect from the 1st April, 1953.

[No. SC(A)-4(109)-B.]

S.R.O. 653.—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notifications of the Government of India in the Ministry of Industry and Supply, No. I(I)-1(530), dated the 26th May, 1948, No. I(I)-1(699)/48-B, dated the 16th August 1948 and No. I(I)-1(106), dated the 8th March, 1948, as amended from time to time, namely:—

In the Schedule annexed to each of the said Notifications, for the entry “Rationing Officer (Iron and Steel), Bombay”, the entry “Controller of Iron and Steel and Cement, Government of Bombay, Bombay” shall be substituted.

2. This Notification shall take effect from the 1st April, 1953.

[No. SC(A)-4(109)C.]

S.R.O. 654.—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to authorise the Controller of Iron and Steel and Cement, Government of Bombay, Bombay, to exercise the powers of the Controller under clause 11D of the said Order, within the State of Bombay.

2. The Notification of the Government of India in the Ministry of Industry and Supply No. I(I)-4(32)-1, dated the 17th January, 1951 is hereby cancelled.

2. This Notification shall take effect from the 1st April, 1953.

[No. SC(A)-4(109)D.]

S.R.O. 655.—In exercise of the powers conferred by sub-clause (a) of clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply No. I(I)-4(41), dated the 7th September, 1950, as amended from time to time, namely:—

In the Schedule annexed to the said Notification, for the entry “Rationing Officer (Iron and Steel), Government of Bombay, Bombay”, the entry “Controller of Iron and Steel and Cement, Government of Bombay, Bombay” shall be substituted.

2. This Notification shall take effect from the 1st April, 1953.

[No. SC(A)-4(109)E.]

S.R.O. 656.—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply No. I(I)-4(41), dated the 7th September, 1950, as amended from time to time, namely:—

In the Schedule annexed to the said Notification, for the entry “Deputy Rationing Officer (Iron and Steel), Government of Bombay, Bombay”, the entry “Assistant Controller of Iron and Steel and Cement, Government of Bombay, Bombay” shall be substituted.

2. This Notification shall take effect from the 1st April, 1953.

[No. SC(A)-4(109)F.]

D. HEJMADI, Under Secy.

COFFEE CONTROL

New Delhi, the 1st April 1953

S.R.O. 657.—In exercise of the powers conferred by sub-section (3) of section 4 of the Coffee Market Expansion Act, 1942 (VII of 1942), and in partial modification of the notification of the Government of India in the late Ministry of Industry and Supply No. 13(1)-I(6)/50, dated the 12th June 1950, the Central Government, on the recommendation of the Pa'ni-Bodi-Sirumalai Coffee Growers' Association, Pattiyeeranpatti (Madura District) hereby nominate Mr. W. P. A. S. Deenadayalan, Planter, Pattiyeeranpatti as a member of the Indian Coffee Board vice Mr. W. P. A. Soundarapandian, deceased.

[No. 13(2)-Plant/50.]

S. G. RAMACHANDRAN, Dy. Secy.

New Delhi, the 11th April 1953

S.R.O. 658.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely:—

In the said order, in the proviso to paragraph (a) of sub-clause (3) of clause 21, for the word and figure "March 1953" the word and figure "June 1953" shall be substituted.

[No. 9(4)-CT(A)/53-3.]

S. A. TECKCHANDANI, Under Secy.

**MINISTRY OF FOOD AND AGRICULTURE
(Agriculture)**

New Delhi, the 31st March 1953

S.R.O. 659.—In pursuance of the provisions of sub-section (q) of section 4 of the Indian Oilseeds Committee Act (IX of 1946), the Federation of Rural People's Organisation have renominated Prof. N. G. Ranga, M.P., to be a member of the Indian Central Oilseeds Committee with effect from 1st April, 1953.

[No. F.5-2/53-Com.I.]

F. C. GERA, Asstt. Secy.

(Agriculture)

New Delhi, the 1st April 1953

S.R.O. 660.—In pursuance of the Appropriate Provisions of the Indian Cotton Cess Act, 1923 (XIV of 1923), the Central Government are pleased to appoint/re-nominate the following persons to be members of the Indian Central Cotton Committee, Bombay, with effect from the 1st April, 1953.

1. Seth Issardas Varindmal, c/o M/s. Kotak and Co., Navsari Building, Hornby Road, Fort Bombay.	Under Section 4(X)
2. Sardar Sher Singh, Montgomery Dairy Farm, Karnal.	
3. Shri D. N. Mahta, Secretary to the Government of Bombay, Agriculture and Forests Deptt., Bombay.	
4. Shri A. Mooler, C/o Messrs. Volkart Bros., Bombay, to represent the Tuticorin Chamber of Commerce, Tuticorin, under Section 4(iv).	
5. Shri J. K. Srivastava, Managing Director, The New Victoria Mills Co. Ltd., Civil Lines, Kanpur, to represent the Upper India Chamber of Commerce, under Section 4(iv).	
6. Shri A. P. Darlow, C/o The Gill & Co., Ltd., Bombay to represent the Bombay Chamber of Commerce, Bombay, under section 4 (iv).	
7. Shri T. P. Chakravarti, C/o The Mohini Mills Ltd., 214, Cross Street, Calcutta, to represent the Government of West Bengal, under section 4 (vi).	

[No. F.1-2/53-Com.II.]

J. S. RAJ, Dy. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 6th April 1953

S.R.O. 661.—In exercise of the powers conferred by sub-rule (2) of rule 3 of the Cinematograph (Censorship) Rules, 1951, read with Rule 6 of the said Rules the Central Government hereby appoints Professor R. D. Sinha Dinkar as a member of the Central Board of Film Censors with effect from the 15th April, 1953, vice Dr. V. K. R. V. Rao resigned.

[No. 8(12)/53-FIL]

C. R. RAO, Dy. Secy.

MINISTRY OF HEALTH

New Delhi, the 30th March 1953

S.R.O. 662.—In exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (XXIII of 1940), the Central Government hereby directs that the following further amendment shall be made in the Drugs Rules, 1945, the same having been previously published as required by the said sections, namely:—

In Schedule K to the said Rules, after item 8, the following item shall be added at the end, namely:—

“9. *Magnesium Sulphate*.—The provisions of Sub-clause (i) of clause (a) of section 18 of the Act to the following extent:—

Chlorides present in the salt shall not exceed 0.12 per cent in the case of the product prepared from sea-water.”

[No. F.1-19/50-DS.]

S.R.O. 663.—In pursuance of sub-section (3) of section 1 of the Drugs Act, 1940 (XXIII of 1940), the Central Government hereby appoints the 1st day of April, 1953, as the date from which chapters III and IV of the said Act shall take effect in the States of Himachal Pradesh, Bilaspur, Kutch, Bhopal, Tripura, Vindhya Pradesh and Manipur.

[No. F.1-8/50-DS.]

S.R.O. 664.—In pursuance of section 18 of the Drugs Act 1940 (XXIII of 1940), the Central Government hereby fixes 1st day of April, 1953, as the date for the purposes of the said section in respect of the States of Himachal Pradesh, Bilaspur, Kutch, Bhopal, Tripura, Vindhya Pradesh and Manipur.

[No. F. 1-8/50-DS.]

S.R.O. 665.—In pursuance of sub-rule (3) of rule 1 of the Drugs Rules, 1945, the Central Government hereby appoints 1st day of April, 1953, as the date on which the said Rules shall come into force in the States of Himachal Pradesh, Bilaspur, Kutch, Bhopal, Tripura, Vindhya Pradesh and Manipur.

[No. F.1-8/50-DS.]

S.R.O. 666.—In pursuance of section 10 of the Drugs Act, 1940 (XXIII of 1940), the Central Government hereby fixes the 1st day of April, 1953, as the date for the purposes of the said section in respect of the States of Himachal Pradesh, Bilaspur, Kutch, Bhopal, Tripura, Vindhya Pradesh and Manipur.

[No. F.1-8/50-DS.]

S. DEVANATH, Under Secy.

MINISTRY OF REHABILITATION
ORDER

New Delhi, the 30th March 1953

S.R.O. 667.—In exercise of the powers conferred by sub-section (1) of section 19 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby orders that all cases in respect of composite properties situated in the districts mentioned in column 1 of the Schedule hereto annexed and pending before Shri G. Y. Deo, Competent Officer, Nagpur shall stand transferred to Competent Officer mentioned in the corresponding entry in column 2 of the said Schedule.

SCHEDULE

Districts	Name of Competent Officer to whom cases are transferred
(1)	(2)
Jabalpur, Sagar, Mandla, Chhindwara, Bilaspur, Surguja and Raigarh. . . .	Shri R. S. Agarwala, Competent Officer, with headquarters at Jabalpur.

[No. 82(14)/51-Prop.]
MANMOHAN KISHAN, Asstt. Secy.

MINISTRY OF COMMUNICATIONS

(Posts & Telegraphs)

New Delhi, the 2nd April 1953

S.R.O. 668.—In exercise of the powers conferred by section 43 of the Indian Post Office Act, 1898, (VI of 1898), the Central Government hereby directs that the following further amendments shall be made in the Indian Post Office Rules, 1933, namely:—

To rule 112 of the said Rules, the following proviso shall be added, namely:—

“Provided that the amount of commission payable on a family allotment money order booked by an army Record Office, shall be calculated at 1.75 per cent. of the total amount of the Family Allotment Money Orders booked and in making such calculation a fraction of an anna less than six pies shall be disregarded and a fraction of an anna equal to or exceeding six pies shall be regarded as one anna.”

[C 8-14/51.]

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF TRANSPORT

New Delhi, the 31st March 1953

S.R.O. 669.—In exercise of the powers conferred by section 52 of the Delhi Road Transport Authority Act, 1950 (XIII of 1950), the Central Government hereby makes the following amendment in the Delhi Road Transport Authority (Advisory Council) Rules, 1951, published with the notification of the Government of India in the Ministry of Transport No. S.R.O. 1298, dated the 20th August 1951, namely:—

In the proviso to sub-rule (1) of rule 9 of the said Rules, for the words “a month” the words “three months” shall be substituted.

[No. 18-TAG(8)/53.]

S. K. VENKATACHALAM, Asstt. Secy.

New Delhi, the 4th April 1953

S.R.O. 670.—The following draft of certain amendments in the Calcutta Port Rules, published with the notification of the Government of India in the late War Transport Department No. 9-P(19)/42, dated the 3rd December, 1943, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 8 of the Indian Ports Act, 1908 (XV of 1908), is published as required by sub-section (2) of the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 15th May, 1953.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

In the said rules—

1. After clause (b) of rule 49 the following clauses shall be added, namely:—

(c) In the area Cossipore to Bally—between a line drawn north of Pran Nath Roy Chowdhuri's Ghat to a point 250 feet north of Chuni Mull Khetri's Ghat on the right bank and a line drawn from the north end of the Cossipore Gun and Shell Factory on the left bank to a point 700 feet south of Gardener's House on the right bank.

(d) in the area Khardah to Barrackpore between a line drawn 950 feet north of Jagannath Ghat to a point 125 feet north of a ghat at Titaghur Jute Mill on the left bank and a line drawn 700 feet south of Jagannath Ghat on the right bank to a point 300 feet north of the northern jetty of the Khardah Jute Mill on the left bank.

(e) in the area Ichapur to Shamnagar—between a line drawn 350 feet south of Durgamoni Ghat on the right bank to a point 1,200 feet north of Shastitola Ghat on the left bank and a line drawn 350 feet north of Cherbindi Ghat on the right bank to a point 350 feet north of Harish Basu's Ghat, Shamnagar, on the left bank".

II. In rule 60 after the figure "48" the figures, letters and brackets "49 (c), (d), (e)", shall be inserted.

[No. 9-PI(97)/52-P]

R. S. BAHL, Under Secy.

PORTS

New Delhi, the 6th April 1953

S.R.O. 671.—In pursuance of sub-section (3) of section 6 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879), the Central Government hereby publishes the following returns received from (i) the Secretary, the Indian National Steamship Owners' Association, Bombay, (ii) the Secretary, Mill-owners' Association, Bombay (iii) the Secretary, Bombay Chamber of Commerce (iv) the Secretary, Indian Merchants' Chamber, Bombay (v) the Secretary, Maharashtra Chamber of Commerce, Bombay (vi) the Municipal Secretary, Municipal Corporation of Greater Bombay:—

Returns showing the names of persons elected in accordance with the provisions of the Bombay Port Trust Act to be members of the Board of Trustees of the Port of Bombay for a period ending on the 31st March 1955:—

Name of electing body	Names of persons elected.
The Indian National Steamship Owners' Association, Bombay.	Shri Pratapsinh S. Vallabhdas.
The Millowners' Association, Bombay.	Shri Krishnaraj Madhavji. Damodar Thackery.
The Bombay Chamber of Commerce, Bombay.	Shri A. Kirkwood Brown. Shri M. Pasapti.
The Indian Merchants' Chamber, Bombay.	Shri M. A. Master. Shri Ramdas Kilachand. Shri P. M. Chinai. Shri Murarji J. Vaidya. Shri Vallabhdas Vassanji. Mariwala. Shri Tulsidas Mulji Vishram.
The Maharashtra Chamber of Commerce, Bombay.	Shri M. L. Dhanukar.
Municipal Corporation of Greater Bombay.	Shri Yusuf S. Peerbhoy. Dr. S. G. Patel, M. B. B.S.

[No. 9-PI(9)/53-A.]

S.R.O. 672.—In exercise of the powers conferred by section 7 read with sub-section (1) of section 13A of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879), the Central Government hereby appoints the following persons to be members of the Board of Trustees of the Port of Bombay for a period ending with the 31st March 1955:—

- The Commissioner of Police, Bombay (Representative of the Government of Bombay).
- The Collector of Customs, Bombay, *ex-officio*.
- The General Manager, Central Railway, *ex-officio*.
- The General Manager, Western Railway, *ex-officio*.
- The Municipal Commissioner for the City of Bombay, *ex-officio*.
- The Director General of Shipping (Representative of the Mercantile Marine Department, Bombay).

The Sub-Area Commander, Bombay (Representative of the Defence services).
 The Commodore-in-charge, Bombay (Representative of the Indian Navy).
 Shri Dinkar Desai, M.A., LL.B., and Shri H. N. Trivedi. (Representatives of Labour).

[No. 8-PI(9)/53-B.]

S.R.O. 673.—Whereas the East India Cotton Association, Ltd., Bombay, has failed to elect a trustee on the Board of Trustees of the Port of Bombay within the period prescribed by section 10 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879). Now, therefore, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby nominates Shri Madanmohan R. Ruia of Messrs. Ramnarain Sons Ltd., Bombay, as a member of the Board of Trustees of the Port of Bombay for a period ending with the 31st March, 1955.

[No. 8-PI(9)/53-C.]

S. N. CHIB, Dy. Secy.

MINISTRY OF PRODUCTION

ORDER

New Delhi, the 4th April 1953

S.R.O. 674.—In exercise of the powers conferred by section 4 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that powers to make orders under section 3 of the said Act in relation to the matters specified in clauses (c), (d), (e), (f), (h) (i), and (j) of sub-section (2) of the said section shall, in respect of coal supplies received within the State of Saurashtra, from time to time against the quota fixed by the Central Government for detailed allocation by the State Government be exercisable also by the Director of Civil Supplies, Government of Saurashtra, subject to any general or special orders that may be issued by the Central Government.

[No. 18-CI(4)/53.]

P. M. NAYAK, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 1st April 1953

S.R.O. 675.—In pursuance of the provisions of sub-clauses (1) and (3) of clause 4 of the Bombay Dock Workers (Regulation of Employment) Scheme, 1951, and in partial modification of the notification of the Government of India in the Ministry of Labour No. S.R.O. 537, dated the 9th April 1951, the Central Government hereby appoints with effect from the 1st April 1953, Shri N. H. G. Grant, representative of the Karmahom Committee, Bombay, to be a member of the Bombay Dock Labour Board, vice Shri M. R. Das, resigned.

[No. Fac.73(23).]

S.R.O. 676.—The following draft of certain further amendments in the Calcutta Dock Workers (Regulation of Employment) Scheme, 1951, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), is published as required by the said sub-section read with sub-section (2) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 10th May 1953.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

In the said Scheme—

1. In paragraph (b) of sub-clause (1) of clause 10, for the words "at the time when the Scheme is put into operation", the words "on the date of constitution of the Board" shall be substituted.
2. In sub-clause (1) of clause 13, for the words, "immediately before the coming into force of the Scheme", the words "on the date of constitution of the Board" shall be substituted.

[No. Fac. 74(11).]

S. V. JOSHI, Dy. Secy.

New Delhi, the 2nd April 1953

S.R.O. 677.—In pursuance of section 10 of the Employees' State Insurance **Act, 1948** (XXXIV of 1948), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour, No. SS. 21(4), dated the 28th December, 1948, constituting the Medical Benefit Council, namely:—

In the said notification for item No. (10), the following item shall be substituted, namely:—

"(10) Col. A. N. Chopra, Director of Medical and Health Services. Uttar Pradesh, Lucknow."

[No. SS. 121(49).]

K. N. NAMBIAR, Under Secy.

New Delhi, the 2nd April 1953

S.R.O. 678.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the management of the Nanji Kujama Colliery and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

REFERENCE NO. 25 OF 1951.

PRESENT:

Shri L. P. Dave, B.A. LL.B.,—Chairman.

PARTIES:

The management of the Nanji Kujama Colliery.

Vs.

Their workmen.

APPEARANCES:

Shri S. S. Mukherjea, Pleader, for the Management.

Shri Brahmanand Lal, Acting General Secretary, Koyala Mazdoor Panchayat, for the Workmen.

AWARD

By notification No. LR.2(351), dated 29th August, 1951, the Government of India, in the Ministry of Labour, referred to this Tribunal the dispute between the management of the Nanji Kujama Colliery and their workmen regarding the classification of labourers working as wagon loaders. The usual notices were issued to the parties who put in their respective statements. On the retirement of my predecessor Shri S. P. Varma, the dispute was referred to me for adjudication by the Government of India, Ministry of Labour, by Order No. LR.2(395), dated 4th February, 1953.

2. The case of the workmen is that there are about 40 workmen doing the work of wagon loading in the above colliery. This work is done on piece-rate basis; and the weekly earnings of loading wagons during the whole week are distributed among all the 40 wagon loaders. The management however refused to treat all

of them on a uniform basis. They have placed only 22 of them on their register; and only these 22 wagon loaders are given nominal privileges enjoyed by the workmen under the award of the Board of Conciliation. The remaining wagon loaders, though doing the same work as the remaining 22, are not given the benefits of issue of rations at concessional rates, free rice, cash allowance for attendance, quarterly bonus, and provident fund. The workmen pray that the management should be ordered to abolish the distinction between the different wagon loaders and that the wagon loaders other than the 22 loaders who are on the roll of the colliery should be given the same privileges as the others, and that they should be compensated for all the loss that is suffered by them.

3. The management urge that the loading of wagons is usually entrusted by them to the loading sirdars who are being paid for the work of loading of different wagons. It is further urged that ordinarily six persons are found sufficient to load one wagon per day; that the colliery usually receives three wagons per day and can therefore employ only 18 loaders but making allowance for absence etc. they have employed 22 wagon loaders. It is further urged that on the days on which they receive more than three wagons which is very rare the loading sirdars recruit extra persons usually from the dependents of the workers residing in the colliery (and some times even outsiders are recruited to do a particular job on a particular occasion); that the same set of persons are not employed everytime; that the wagon loaders are not the workmen of the management; that the management had made no distinction or discrimination between the same class of workmen and that in the circumstances the claim of the workmen should be rejected.

4. The issue that arises for decision is as to whether the wagon loaders, other than the 22 wagon loaders who were on the rolls of the colliery, are entitled to the same privileges as the others. My finding is in the negative.

5. As I said above, the case of the workmen is that the management have in their employment 40 persons working as wagon loaders but that the names of only 22 out of these persons are kept on the register of the management and only these 22 persons are given (1) supply of rations at concessional rates, (2) free supply of 4 seer of rice per day, (3) attendance bonus, (4) quarterly bonus and (5) provident fund. They claim that the other 18 wagon loaders, who are doing the same work as the 22 wagon loaders on the rolls of the management, should also be given the same privileges. The management have denied that 40 persons are engaged by them as wagon loaders. They firstly contend that the wagon loaders were not employed by them but were employed by the sirdars. (that is, by contractors) and the wagon loaders could not therefore be said to be the employees of the management. Secondly they urge that only 22 persons are ordinarily employed by the sirdars for working as wagon loaders. In this connection, they say that six persons are usually required to load one wagon per day and as ordinarily they are supplied three wagons every day, 18 wagon loaders would be sufficient for doing their work. To provide for contingency of absence etc. 22 wagon loaders were in fact engaged. It is further said that on those days on which they get more wagons than three, some persons are temporarily engaged for the day and are paid for the work done by them.

6. The question as to whether the wagon loaders are the employees of the management or of the sirdars is a question, which in my opinion, is not necessary to be considered or decided in the present case; because assuming that the wagon loaders are the employees of the management, the workmen have failed to prove that there are actually 40 wagon loaders employed by the management for the work. As I said above, the case of the management is that only 22 persons are considered necessary for their work of wagon loading and this is the number they have on their roll. They denied that 40 persons were engaged by them. At the outset, I may mention that not only has no evidence been led by the workmen in support of their contentions, but even the names of the 18 persons who were said to have been working as wagon loaders and whose names were not found on the register of the management, were not given till the arguments were heard. None of these persons has been examined to show that he or she has been (regularly) working as a wagon loader in this colliery. It may then be noted that at least five of the persons mentioned in this list which was given at the time of arguments were on the registers of the colliery and therefore getting the usual benefits and privileges which the other working are getting. I may then point out that the allegations of the workmen would mean that persons who were not shown in the attendance register of the colliery were actually working there. If that were so, it would be an illegal practice, but no complaint appears to have been made so far by anyone before any authority. This also shows that the allegation

that 18 persons though working as wagon loaders are not shown in the registers of the management cannot be believed.

7. Shri Bhattacharya, the Manager of the colliery has been examined on behalf of the management and he has said that only 22 wagon loaders are in the employ of the company. He has further said that about 6 persons are required to load one wagon per day; and that usually three wagons are supplied to this colliery everyday; and that because of this, the number of wagon loaders is fixed as 22. He then said that on those days on which more wagons are supplied to the colliery, the loading sirdars are asked to arrange for the extra labour and they do so. He further said that the same persons are not employed as extra labourers everyday that extra wagons are supplied to them. His statement has not been contradicted and there is no reason to disbelieve him. I may mention that I called upon the management to produce a statement showing the wagons supplied to them from day to day for the period April 1950 to December, 1952, and I found that it is on very rare occasions that this colliery has got more wagons than three on a particular day. This corroborates the evidence of the manager that they would not normally require more than 22 wagon loaders and that on those rare occasions when they get more wagons, extra labour is temporarily recruited. These extra labourers recruited for the day could not be said to be employees of the colliery and are not entitled to all the benefits of regular workmen.

8. I may here mention that these workers recruited for the day get free ration of $\frac{1}{4}$ seer rice and daily cash allowance. They cannot get rations at concession rates, as admittedly this concession requires a presence for particular number of days in the week. The concession of quarterly bonus and provident fund also require a minimum attendance of particular number of days in a quarter.

9. It was argued on behalf of the workmen that the registers of the company show that on different dates, 21 loaders were paid, while the attendance marked was of 20 persons and that this would show that the management was in the habit of defrauding the workers and preventing them from enjoying their normal privileges. In my opinion, the registers do not warrant a conclusion that the management is defrauding their workers. All that could be said against the books was that they were not carefully kept. If the management was playing fraud, I am sure it would have been careful to see that there was no such discrepancy. The above discrepancy would probably mean that the attendance clerk had not carefully marked the attendance. But so far as the payment was concerned, it was properly made. In this connection, I may point out that the wagon loaders are paid according to the work done by them, that is they are paid a particular amount per wagon and the total earnings earned by loading the wagons is divided among the different workers. Hence the mistake in marking attendance can be rectified without difficulty, at the time of making payments to the workmen.

10. I may repeat that though the workmen have alleged that the management has engaged 40 loaders but has put the names of only 22 on its roll, there is not an iota of evidence in support of that allegation. As I said before, no one has been examined in support of this allegation. The names of these 18 persons were not given till in the course of the arguments. Even then the other side was able to point out that the five of these persons were on the register of the management. None of these alleged wagon loaders has been examined to show that he has been working as a wagon loader and yet his name is not on the register. I am not thus satisfied that there are any wagon loaders other than the 22 on the roll of the management and hence none is entitled to any privileges.

In the result, I hold that there are no wagon loaders, other than the 22 wagon loaders who are on the register of the colliery and that none else is entitled to any of the privileges claimed by the workmen. I give my award accordingly.

[No. LR-2(351).]

(Sd.) L. P. DAVE, Chairman.

S.R.O. 679.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the management of the Standard Colliery (Messrs. Standard Coal Co. Ltd. P. O. Sijua), and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

REFERENCE NO. 15 OF 1951.

PRESENT:

Shri L. P. Dave, B.A., LL.B.—Chairman.

PARTIES:

Management of Standard Colliery namely Messrs. Standard Coal Co. Ltd.
P. O. Sijua.

Their workmen.

AND

APPEARANCES:

Shri D. Basu Thakur, solicitor, Orr Dignam and Co., Solicitors, assisted by
Shri K. C. Sen, for the management.

Shri S. S. Mukherjea, Pleader, Dhanbad, for the workmen.

AWARD

By notification No. LR.4(200), dated 24th May, 1951 and as amended by subsequent notification No. LR.4(200), dated 19th February, 1952, the dispute between the workmen of the Standard Colliery and their management in respect of (1) compensation for earned leave, (2) proportionate bonus for the quarter and (3) railway fare, was referred to this Tribunal.

2. Usual notices were issued to the parties and they filed their respective statements. On the retirement of my predecessor Shri S. P. Varma, the dispute was referred for adjudication to me by the Government of India, Ministry of Labour, Order No. LR.2(395), dated 4th February, 1953. Notices were issued to the parties and they appeared before me on 23rd February, 1953. On going through the papers and hearing the parties and discussing with them the points in dispute, I found that so far as the present case was concerned, there was practically no dispute on principles, but that the details had to be worked out. I thereupon asked the management to put in certain statements which they did and the workmen filed objections thereto. The matter was then fixed for hearing on 13th March, 1953, when after some discussion the parties filed a memorandum of agreement arrived at between them.

3. It appears that the Standard Colliery was producing coal for over 50 years and they alleged that by 1950 all available coal in the colliery was nearly exhausted and further working became uneconomic and also unsafe. In the circumstances, they decided to close down the colliery with the result that almost all the workmen were discharged in February 1951. The workmen claimed that they should be paid wages for the period of earned leave that was due to them at the time and that they should also be paid proportionate bonus for the first quarter of 1951 and also railway fare. They also claim compensation and other reliefs for their discharge. But for these matters there is another reference namely Reference No. 2 of 1952 which is pending before me. So far as the present reference is concerned, it is regarding the amount payable to the workers in respect of the earned leave due to them on the date of their discharge proportionate bonus for the work done by them during the first quarter of 1951, and the railway fares payable to them. The management stated that they were prepared to pay all these amounts to the workers to whom they may be due and have actually paid the amounts to several workers. The memorandum of compromise is to the same effect. It is reasonable. It is appendix A annexed herewith. I give my award in terms of that agreement.

I, therefore, give my award as aforesaid, this the 28th day of March, 1953.

(Sd.) L. P. DAVE, Chairman.

DHANBAD;

The 28th March, 1953.

APPENDIX "A"

Before the Chairman, Industrial Tribunal, Dhanbad.

In the matter of Reference No. 15 of 1951.

AND

In the matter of Messrs. Standard Coal Co. Ltd.

Vs.

Their workmen.

The humble petition on behalf of the parties most respectfully shewth.

1. That so far as the items to the schedule of the reference it is agreed that the demand of Earned leave, Railway fare and Bonus will be paid where qualified under the Rules.

2. That the proper dues of the workmen who have not received on those accounts as per reference will be paid by the management.

3. That this agreement is without prejudice to the workmen's right to Reference No. 2 of 1952.

4. It is agreed that such payment will be made at the Chief Mining Engineer's Office, Sijua every Wednesday during office hours but payment will also be made on Thursdays during June and July, 1953, on joint identification of the workmen by the Union representative and the Management.

Under the circumstances it is prayed that the Award may kindly be made in the terms of the above agreement.

For workmen

(Sd.) S. S. MUKHERJEE,

13-3-53.

(Sd.) SHIVA KALI BOSE,

13-3-53.

President, Standard Colliery Branch
of Bihar Colliery, Mazdur Singh.

Per Pro. F. W. Heilgers and Co. Ltd.,

(Sd.) K. C. SEN,

Managing Agent of Standard Coal Co. Ltd.,

13-3-53.

(Sd.) D. BOSU THAKUR, Solicitor,

Orr. Dignam and Co., Solicitors.

13-3-53

Filed.

(Sd.) L. P. DAVE—Chairman.
Central Govts. Industrial Tribunal, Dhanbad.

13-3-53.

[No. LR-4(200).]

S.R.O. 680.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Charki and Sugi Mica Mines in the State of Bihar and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

REFERENCE NO. 4 OF 1952.

PRESENT:

Shri L. P. Dave, B.A., LL.B.,—Chairman.

PARTIES:

The employees (M/S. Chatturam Horilram Ltd.) in relation to Charki and Sugi Mica Mines in the State of Bihar.

AND

Their workmen.

APPEARANCES:

Shri H. K. Mishra, Mines Agent, M/S. Chatturam Horilram Ltd., for the Management.

Shri H. N. Singh, President, Mica Labour Union., for the workmen.

AWARD

By notification No. LR.2(364), dated 13th March, 1952, the Government of India in the Ministry of Labour has referred to this Tribunal the dispute between the employers of Charki and Sugi Mica Mines in the State of Bihar and their workmen in respect of the dispute relating to the payment to workmen of house rent allowance in lieu of quarters with effect from 1st July, 1948.

2. Usual notices were issued to the parties and they filed their written statements. Before the matter could be taken up by my predecessor Shri S. P. Varma, he retired and thereafter the above matter was referred to me for adjudication by the Government of India, Ministry of Labour, Order No. LR.2(395), dated 4th February, 1953. Notices were issued to the parties who appeared on 26th February, 1953, when after hearing them and discussing the points in dispute, I framed

necessary issues. The matter was then fixed for hearing on 11th March, 1953, on which date an adjournment was asked for for settling the dispute amicably. The matter was then adjourned to 18th March, 1953, on which date the parties put in a memorandum of settlement arrived at between them.

3. It appears that there was a dispute between the employers of the Mica Mines of Bihar and their workmen regarding payment of wages, house rent etc. and the matter was referred to adjudication to this Tribunal by Reference No. 2 of 1948. The then Chairman Mr. Jeejeebhoy after considering all the matters placed before him gave an award which provided *inter alia* that each workman who lived at the mines should be paid Rs. 4 per calendar month, provided he fulfilled certain conditions. The workmen in the present case urged that all the workers were not given the house rent and they were entitled to it. Secondly they urged that the rate should be increased from Rs. 4 to Rs. 6 per month. By the terms of the compromise, the parties have agreed that the rate is to remain as it is and the management have agreed to pay up the house rent to those workers who are entitled thereto under the terms of the above memorandum. I have gone through the memorandum of compromise between the parties copy of which is annexed herewith as appendix 'A' and I think that it is reasonable.

I therefore give my award in terms of the agreement.

(Sd.) L. P. DAVE, Chairman.

DHANBAD;

The 27th March, 1953.

APPENDIX "A"

Memorandum of settlement before the Chairman, Industrial Tribunal, Dhanbad. In the industrial dispute Ref. 4 of 1952.

BETWEEN

The employers in relation to Charki and Sugi Mica Mines in the State of Bihar
AND

Their workmen.

The above parties hereby agree that:—

1. The monthly rated workers who have not been paid the house rent allowance will be paid the same, if they have put in the necessary qualifying service as laid down in the award of this Tribunal in Ref. 2 of 1948 published in India Government Gazette on 10th July 1948.
2. The daily rated workers will also be paid the house rent allowance at the rates mentioned in the award provided they reside at the mines for the period laid down in the award.
3. House rent allowance payable as above will be paid by the management in two equal instalments on 22nd March, 1953 and 15th April, 1953, respectively.
4. No daily rated workers was residing at the mines in 1948, 1949 and 1950 and none of them is entitled to any house rent allowance during this period. The daily rated workers began to reside at the mines from January, 1951 and they will be paid house rent allowance on the basis of the book kept by the management provided by the terms of the award are fulfilled.
5. Both the parties agree that in future the workers will be paid house rent allowance if they reside at the mines and they fulfil the other condition of the award.

They also agree to abide by all the terms of the abovementioned award in this respect.

(Sd.) H. K. MISHRA,
for Chatturam Horilram Ltd.
18-3-53.

(Sd.) H. N. SINGH, President.
Mica Labour Union.
18-3-53.

Filed.

(Sd.) L. P. DAVE, Chairman.

Central Govt. Industrial Tribunal, Dhanbad.
18-3-53.

[No. LR.2(364).]

S.R.O. 681.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal at Calcutta, in the matter of an application under Section 33-A of the said Act preferred by Shri Anta Routh (alias Ananta Routh) against Messrs E. C. Bose and Co., Calcutta.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA.

20/1, Gurusaday Road, Ballygunge, Calcutta-19.

BEFORE SHRI K. S. CAMPBELL-PURI, B.A., LL.B.,—Chairman.

Application No. 113/52 (u/s 33-A of the Act)

PARTIES:

Shri Anta Routh (alias Ananta Routh), 26B Harkata Lane, Calcutta-12—Applicant.

Versus

Messrs. E. C. Bose and Co., 22, Strand Road, Calcutta—Opposite Party.

In the matter of an application dated 26th November, 1952 preferred by Shri Anta Routh (alias Ananta Routh), Mate u/s 33-A of the Industrial Disputes Act, 1947 (admitted during the pendency of proceedings in Reference No. 7 of 1951).

APPEARANCES:

Shri Ananta Routh in person.

Shri Biswanath Dubey, General Secretary, Dock Mazdoor Union, assisted by
Shri Sisir Roy for the applicant.

Shri C. S. Bose, for Messrs E. C. Bose and Co.

AWARD

This is an application preferred by Shri Anta Routh (alias Ananta Routh) u/s 33-A of the Industrial Disputes Act, 1947 against his discharge from service. The complaint was based on the allegation which is more fully detailed in the application itself than in his statement made before the Tribunal as his own witness. In view of the fact that the incident relating to the discharge of the petitioner was denied categorically by the other side and a counter version was given it would be proper for the proper understanding of the facts to reproduce the same from the application as below:

"The petitioner is a duly registered workman (Mate) in the gang of Hari Routh Sardar under the firm of the opposite party. On 2nd February, 1952, he was granted two months' leave by the opposite party from 2nd February, 1952 to 2nd April, 1952. Accordingly, on 2nd April, 1952, the petitioner presented himself before the opposite party for the resumption of his duties. But without allowing him to resume his duties, the opposite party asked the petitioner to appear on the next day and on that day also he was treated in the same manner. He reported the matter to the Regional Labour Commissioner (Central) at Calcutta and Shri A. K. Mitra, the Labour Inspector (Central) and also to the Dock Mazdoor Union of which he is a leading member. After some days when he once again appeared before the opposite party for his "rightful employment", his original 'leave-slip' was taken away from him by the opposite party on a false pretext and a fresh slip was handed over to him in which the leave period was reduced from two months to one, i.e. from 2nd February, 1952, to 2nd March, 1952. The petitioner having no knowledge of English in which language the entries in the leave-slip were made, took the new slip from the opposite party in good faith but could realise later on that a foul trick was applied against him by the opposite party. The matter was brought to the notice of the Regional Labour Commissioner and the Labour Inspector who tried to persuade the opposite party to allow the petitioner to resume his duties repeatedly but to no effect. Thus the opposite party was illegally deprived the petitioner of his rightful employment without securing necessary permissions from the Tribunal for the same during the pendency of an Industrial dispute and has thereby contravened Section 33 of the Industrial Disputes Act.

The petitioner, therefore, claims his rightful employment under the opposite party and prays for due compensations for the losses sustained by him on account of the illegal act done by the opposite party."

It will be seen from the above quotation that the Employer has been accused of having fabricated a new leave-slip in order to terminate the services of a casual

worker as the petitioner happens to be and as such the allegation admits of close scrutiny in all its implications. The defence of the other side on merits was that the complainant was granted leave for one month only from 2nd February 1952 to 2nd March, 1952 and on the expiry of the leave he failed to resume his duties or to apply for extension and after overstaying for more than a month he came to report on 4th April, 1952. As the complainant had been found habitual offender in the matter of overstay after leave as borne out from previous record he was served with a charge sheet on 16th April, 1952 to show cause as to why disciplinary action be not taken against him but he refused to submit any explanation despite service by registered post. That an enquiry was held *in absentia* by the Employer with the result that he was suspended from service pending the necessary permission obtained from the Tribunal. It was alleged *inter alia* that the Dock Mazdoor Union meanwhile filed an application before the Labour Inspector (Central) relating to the stoppage of work of 19 ratings including the complainant and the non-payment of wages to some of them. Subsequently, conciliation proceedings started on the aforesaid application and a settlement was arrived at before the Regional Labour Commissioner whereby the employers, Messrs E. C. Bose and Co. agreed to reinstate 16 workers out of 19 and the remaining 3 including the petitioner were not allowed to be reinstated. It was maintained by the Employer in their defence that the case of the petitioner was covered under the memorandum of settlement dated 25th June, 1952 (Ex. A) and as such the application was not maintainable. The allegation made by the petitioner in regard to the change of the original leave-slip and fabricating a fresh one was emphatically denied. The Employer also raised some legal preliminary objections to the effect that the application was filed after the award was made and was not entertainable and that refusal to provide work was covered under the definition 'Lock out' and as such was not affected by the provisions of 9-33. These objections were not seriously pressed in the course of arguments and need not be gone into. There was yet another objection *viz.* that the case of the applicant was covered under the Memorandum of Settlement (Ex. A). The position precisely in this connection is that the case of Shri Ananta Routh was also referred to the Conciliation Officer along with 18 others as said above, but he was not allowed to join. The plea of the Employers that his case was covered under settlement has no substance inasmuch as borne out from the Memorandum of Settlement (Ex. A) 16 persons were taken back but the employers did not agree to take back the petitioner and two others. It clearly means that no agreement was reached in the case of the petitioner and he resorted to the remedy provided under section 33-A. It was further urged on behalf of the employers that when once he moved the Regional Labour Commissioner or the Conciliation Officer he was not entitled to the remedy under section 33-A but to my mind he is not precluded from seeking another remedy open to him and the objection is repelled.

On facts the petitioner Shri Ananta Routh himself came into the witness box as his own witness in support of complaint and the Union representative also examined Shri A. K. Mitra, Labour Inspector. On the other hand Shri Memal Chand Dutta, the clerk incharge of leave record was examined by the Employer. The petitioner reiterated the allegations made in the application itself and had nothing to add in his deposition. Shri Mitra deposed that so far he could recollect the petitioner Shri Ananta Routh approached him in the beginning of April 1952 and reported that he had gone on leave and before the expiry of the leave he had come back and wanted to join his duty. The witness asked the petitioner to contact the management and assured him that he would be taken back at his post. Shri Mitra further deposed that the petitioner showed him a leave-slip wherein it was stated that he was granted leave from a certain date of February 1952 to a certain date of the month of April, 1952. But after three or four days he again met him and told him that he had approached the management and was told that the petitioner was late by one month in coming back and moreover that the original leave-slip shown earlier was taken back by the management and he was given another slip which indicated that he was granted one month's leave only. Shri Mitra stated that he took up this matter on behalf of the petitioner in his capacity as Labour Inspector with the management but the employer maintained that the petitioner was late by one month and denied having issued any leave-slip to the petitioner for two months leave. Shri Mitra on certain questions asked from him by the Union representative further deposed that the dock workers are not paid monthly salary and they are casual daily wagers. They are also not paid for the leave period, etc. Shri Memal Chand Dutta (EW-1) who was examined on behalf of the employers produced the leave register and referred to page 37 which relates to the leave record of Shri Ananta Routh. According to the entries of this record it was deposed by Shri Dutta that the leave period in question was one month *viz.* from 2nd February, 1952 to 2nd March, 1952 and the

words 'overstay discharged' were written in red ink against the name of the petitioner. Thus witness was subjected to, I should say, penetrating cross-examination by Shri Dubey who was able to elicit from the witness that the register was not very regular and that the petitioner on two previous occasions also availed of leave and was allowed to join. Reference was made to some other workers also who were allowed to rejoin duty notwithstanding of overstay and that the case of the petitioner was a solitary one in which the employer insisted on his discharge and served him with a charge sheet. It was also deposed by Shri Dutta in cross-examination that sometimes leave slips were issued by the Manager of the firm also.

On the appraisal of this evidence which has been quoted in extenso the simple question for determination on merits is whether the allegation of the petitioner more especially one of change of leave-slip was established by reliable cogent evidence on the record. In other words whether the petitioner was granted one month's leave as alleged by the Employers or two months leave. At any event from whatever stand point the evidence may be considered the question for determination is with regard to the creditability of the sworn testimony of the petitioner and that of the clerk Shri Dutta and the general estimate of the circumstantial evidence in regard to the truth and the reliability of the two divergent versions. The statement of the Labour Inspector, I should say, is not very helpful. It is just possible as he states that two slips on different occasions were shown to him and he in his capacity as Labour Inspector contacted the management and enquired into the affair. The stand taken up by the employers in the course of his interrogation was also the same viz. that the petitioner was granted only one month's leave and had overstayed for a month for which he was charge sheeted but refused to participate in the enquiry. I have scanned the allegations as set out in the application itself in all its details and on careful consideration of the matter have no hesitation in coming to the conclusion that it was rather a foul game played by the petitioner upon the employer. The reasons are obvious and many. In the first place it does not stand to reason at all that why the man approached the Labour Inspector at the very outset on his return from leave and asked him to contact the management and get him assured that he would be taken back in service because he had come before the expiry of the leave period. It betrays the guilty mind that the petitioner had overstayed and was apprehending that this time he would not be allowed and forestalled to seek the help of the Labour Inspector. It further passes my comprehension that why the petitioner if he had come earlier should have the apprehension of not being admitted to service when he was working on daily wages. Even if there had been any apprehension it is unintelligible that why the employers went to the length of fabricating a leave-slip merely to dispense with the services of a casual worker. There is no evidence of any malevolence or enmity on the record. It is all very well to say that he is a prominent member of Union and the employer did not like his activities; but in the absence of any evidence that his activities were disliked by the management it appears to me that his plea of trade union activities had made him bold enough rather to overstay every time and this time he overstayed for more than a month and introduced a leave slip presumably a fabricated one to mislead the Labour authority and subsequently narrated a story that the original slip was taken away from him and a new slip of one month's leave was given to him in lieu of that. The original slip of one month leave was actually produced by the Union representative (Ex. B) which reads as follows:

Ex. B:

"Name Anta Routh, Sirdar Hari Routh. Allowed 1 month Leave from 2nd February, 1952 to 2nd March, 1952.

Received Identity card.

One month leave upto 2nd March, 1952.

(Sd.) N. C. DUTTA,

for E. C. Bose and Co."

This slip has been duly rubber-stamped purporting to have been issued by E. C. Bose and Co. Stevedores, Dubashes and Marine Contractors, 22 Strand Road, Calcutta. The other slip which was alleged to be the original one giving two months leave was not produced and it was asserted that the same had been taken back by the management when he approached them for rejoining his post. It requires too much credulity to believe such faked stories. The petitioner who states himself to be a leading and active trade unionist must have moved heaven and earth if anybody had mishandled him or if anyone had changed the leave slip. The plea advanced was that he did not know English and could not find out that the leave slip was changed. This again collapses to scrutiny when considered in

the ordinary course of events inasmuch as the writing of a new slip must require some time and as said above who was responsible for this and what enmity he had with the petitioner for which he should have resorted to this foul fabrication in order to discharge a casual worker. There are other circumstances also which militate the applicant's version and go against him. The one is that the petitioner refused to submit his explanation when a charge sheet was served upon him and subsequently advanced the plea of change of leave-slip. It appears that his guilty mind did not allow him to come forward at that time and state the name of the man at the earliest stage who changed the leave-slip and explain the circumstances under which that became possible. Shri Dutta (E.W.I.) who deals with leave record appeared on behalf of the Employer now but he was not accused of having changed the original leave-slip. In fact no question was put to him in this connection. For all the reasons given above the plea advanced by the applicant appears to be a concocted one and the same must be rejected.

Regarding permission under section 33-A of the Act, in the first place such permission to my mind was not necessary because it is not a case of discharge exactly. The petitioner himself overstayed and absented himself from duty and thereby vacated his job. The employers were therefore within their right to disallow a casual worker to join but still he was given a charge sheet and enquiry was set up but he refused to participate. This is correct that the Employers on more than one occasions allowed others of rejoin although they overstayed but it clearly rests in the discretion of management and I think one who charged the Employers for having fabricated a leave-slip falsely in order to further his cause does not deserve any such concession. He rather stands non-suited on his own plea, which has no relation to truth. In the result the application fails and the same is dismissed.

CALCUTTA;

The 24th March, 1953.

K. S. CAMPBELL-PURI, Chairman,
Central Government Industrial Tribunal, Calcutta.

New Delhi, the 7th April, 1953

S.R.O. 682.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the matter of certain applications under Section 33-A of the said Act.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

20/1, Gurusaday Road, Ballygunge, Calcutta—19

BEFORE SHRI K. S. CAMPBELL-PURI, B.A., LL.B.—Chairman.

Application No. 108/52 & No. 111/52:

(u/s 33-A of the Act)

PARTIES:

- (1) Maulvi Lal Mohammad, Khamali No. 4, 2, Nawab Abdul Latif Street, Calcutta.
- (2) Sk. Majid, Rolia No. 1, 11/2, Koila Sarak Road, Kidderpore, Calcutta.
- (3) Maulvi Sherajuddin, Khamali No. 3, 9/1, Taltala Bazar Street, Calcutta
—Applicants.

Versus

Messrs Beney Madhub Mookerjee & Co., 74, Bentinck Street, Calcutta—Opposite Party.

In the matter of three applications all dated 26th November 1952, preferred by (1) Mvi. Lal Mohammad, Khamali No. 4 (108-52), (2) Sk. Majid, Rolia No. 1 (109-52), and (3) Mvi. Sherajuddin, Khamali No. 3 (111-52) under Section 33-A of the Industrial Disputes Act, 1947 (admitted during the pendency of proceedings in Reference No. 7 of 1951).

APPEARANCES:

Shri Biswanath Dubey, General Secretary, Dock Mazdoor Union, Calcutta, assisted by Shri Sisir Roy, for the applicants.

Shri K. C. Mukherjee for the Employers Messrs Beney Madhub Mukherjee & Co.

AWARD

These are three applications preferred by (1) Maulvi Lal Mohammad, Khamali No. 4, (2) Sk. Majid, Rolia No. 1, and (3) Mvl. Sherajuddin, Khamali No. 3 the erstwhile workers of Messrs Beney Madhub Mukherjee & Co. under Section 33-A of the Act during the pendency of an industrial dispute referred under Ministry of Labour Notification No. LR-3(165), dated 27th June 1951 (Reference No. 7 of 1951). The applications were duly admitted and registered in this office as Applications No. 108/52, No. 109/52 and No. 111/52 respectively. Usual notices were issued to the other side and on the completion of pleadings the applications came up for hearing on 6th March 1953 before the Tribunal in the presence of Shri Biswanath Dubey, General Secretary, Dock Mazdoor Union assisted by Shri Sisir Roy for the applicants and Shri K. C. Mukherjee for the employers, Messrs. Beney Madhub Mukherjee & Co. Both sides stated at the outset that the proceedings be consolidated in all three applications inasmuch as the facts are identical and common question of law was involved. Shri Dubey however filed an application wherein it was stated that the applicants had left for their village home in the interior of Gaya district in Bihar and it was not possible to inform them earlier on the receipt of notice. He asked for time and the hearing was adjourned to this day the 23rd March 1953 by my Diary Order dated 16th March 1953.

The applicants still did not turn up and Shri Dubey on behalf of all the three applicants examined Shri A. K. Mitra, Labour Inspector, Government of India, Mvl. Abdul Gaffar, a Sirdar of Messrs. Sarat Chatterjee & Co., and Shri Bholanath Mahanty, a Mate of Messrs. E. C. Bose and Company, Stevedores. The employer did not examine any witness in rebuttal and only produced a letter sent by the Managing Partner of the Company to the Regional Labour Commissioner (Central), dated 3rd May 1952 (Ex. 1). The allegations upon which the complaints are based and repeated in all three applications read as follows:—

"The petitioner is a registered workman (—) in the gang of Taslim Sardar under the firm of the opposite party. On 14th February 1952 when an industrial dispute was still pending before the Tribunal, the opposite party stopped the work of the petitioner without having secured necessary permissions from the Tribunal for the same and thereby violated the provisions of Section 33 of the Industrial Disputes Act.

The petitioner, therefore, prays for his legitimate employment under the opposite party and due compensations for the financial losses incurred by the petitioner on account of the illegal stoppage of his rightful work by the opposite party."

Shri Dubey arguing on behalf of the petitioners contended that the employer as deposed by the Labour Inspector refused to give booking to the Sirdar and stopped giving work to the applicants without having obtained the necessary permission under section 33 from the Tribunal during the pendency of Reference No. 7 of 1951. It was submitted that Maulvi Abdul Jabbar has already been made a Mate and has withdrawn the application which he also filed but the complainants have been thrown out of employment without any good cause. On the other hand the Employer argued that the complainants left the work of their own accord and did not turn up because they made a grievance as to why Maulvi Abdul Jabbar was not given double promotion and was not made a Sirdar. Shri Mukherjee on behalf of the employers furthermore urged that in case any Sirdar fails to take booking, it naturally goes to the other gang and as such it was rather the grievance of the employer that the applicants did not turn up for work when they were called upon. Reference was made to Ex. 1, a letter which was sent to the Regional Labour Commissioner about the situation wherein it was stated that the arrangement made on the death of Sk. Taslim, Sirdar, and his Mate, the first Khamali of that gang was given the rank of Mate and that this proposal was given to all the ratings of the said gang but they refused to accept and since then they did not turn up.

In the course of arguments however it so transpired that Shri Mukherjee on behalf of the employer made a statement to the effect that the employer was prepared to take back all three applicants and give them one step promotion also as already done in the case of Abdul Jabbar provided the Union arranges for their joining within two months from today. Shri Dubey in view of the position taken up by the employer felt satisfied but further asked for compensation for the intervening period. The statements of the representatives of both sides are appended with the award in Appendix No. 1, and in view of the agreement arrived at I would direct the employer to take back Maulvi Lal Mohammad in service and

promote him to Khamali No. 3 from Khamali No. 4. Similarly the employer is directed to take back Maulvi Sherajuddin and give him the job of Khamali No. 2 instead of Khamali No. 3 and take Sk. Majid as Khamall No. 4 by taking him up from the cadre of Rolia to the cadre of Khamali. In case, they do not join within two months from today, i.e. by 23rd May 1953 they will have no claim upon the employers for any more service and the award given in their favour for taking them back in the service shall stand rescinded.

Coming to the question of compensation Shri Dubey strenuously urged that the applicants had left Calcutta after long waiting and starvation and in case they had been in service each one of them should have earned by this time about Rs. 800. On the other hand Shri Mukherjee opposed and urged equally with vehemance that in the first place the applicants left of their own accord having made a grievance on the question of double promotion for Abdul Jabbar, to whom the employer could not give double promotion and as such no case was made out for compensation. Secondly, it was argued that this labour is admittedly casual labour and they work on the principle of 'no work no pay'. They are moreover at liberty to get work anywhere else when their services are not needed in this Company and as such the question of compensation does not arise. I have given my careful consideration on this aspect of the question and in the absence of any cogent evidence as to whether the applicants remained idle throughout during the period of non-employment in this company and good data for actual loss and moreover in view of nature of employment which is admittedly casual I do not think that any case has been made out for compensation. This is correct that the employer also has not adduced any evidence but the position taken up by the company's representative in the course of arguments was quite fair more especially in the circumstances when the applicants despite another adjournment have not turned up to come into the witness box in support of their version given in the application. The evidence of the Labour Inspector does not help them much when it is admitted that the discussion which took place between the Labour Inspector and the employer was formal one and was not put in writing and the position taken up by the employer while corresponding with the Regional Labour Commissioner as borne out from Ex. 1 moreover runs counter to the position taken up by the applicants in their applications. For all these reasons I refuse to allow any compensation and make this award in terms of the agreement arrived at on the question of taking back all three applicants into the service of the Company with one step promotion within the period specified above.

CALCUTTA;

The 23rd March 1953.

(Sd.) K. S. CAMPBELL-PURI, Chairman,

Central Government Industrial Tribunal, Calcutta.

APPENDIX I

Statement of Shri K. C. Mukherjee: I state on behalf of the employers that the employer is prepared to take back Maulvi Lal Mohammed and make him Khamali No. 3 by giving him one promotion from Khamali No. 4. Similarly I agree to take back Shirajuddin and give him one promotion and make him Khamali No. 2 from Khamali No. 3. I also agree to take back Sk. Majid, Rolia No. 1 and make him Khamali No. 4 and give him one promotion by taking him from the cadre of Rolia to the cadre of Khamali.

Mvi. Abdul Jabbar has already been made a Mate. He was Khamall No. 1 when the differences arose between the parties. All three applicants as stated by me last time have left Calcutta and if the Union can arrange to bring them back within two months I have no objection in taking them.

CALCUTTA;

The 23rd March 1953.

(Sd.) K. C. MUKHERJEE.

(Sd.) K. S. CAMPBELL-PURI.

R.O. & A.C.

(Sd.) K. S. C.

Statement of Mr. Dubey: In view of the position taken up by the employer side in the course of arguments I only add that the applicants have been out of employment for a long time and left after long waiting and starvation. I would

therefore urge for some amount of compensation. Under no circumstances the settlement of the present case suggested by the other side should be made a general rule and topsy-turvy the present procedure and practice of promotion to higher cadre from lower cadre on death or discharge of higher ones of the same gang.

The 23rd March 1953.

(Sd.) BISWANATH DUBEY.

(Sd.) K. S. CAMPBELL-PURU.

R.O. & A.C.

(Sd.) K. S. C.

Arguments to continue.

(Sd.) K. S. C.

[No. LR.3(165).]

New Delhi, the 11th April 1953

S.R.O. 683.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award in a dispute between the Punjab National Bank Limited and its workmen.

**BEFORE THE INDUSTRIAL TRIBUNAL (PUNJAB NATIONAL BANK DISPUTES)
AT BOMBAY.**

PRESENT:

Shri S. Panchapagesa Sastry.

Shri Gurbachan Singh.

Versus

The Punjab National Bank Ltd.

Serial No. 9 in Schedule II to the Government of India, Ministry of Labour Notification No. S.R.O. 636, dated 31st March 1952.

AWARD

This is one of the disputes referred to this Tribunal for adjudication under the Government of India, Ministry of Labour Notification No. S.R.O. 636, dated 31st March 1952. It appears in the schedule as Serial No. 9 and the nature of the dispute as set out therein is as follows:

"Withholding of Allowance".

This was one of the disputes originally referred to the All India Industrial Tribunal (Bank Disputes) Bombay under the Government of India, Ministry of Labour Notification No. S.R.O. 42, dated 8th January 1952, and as such notice was issued in the first instance by that Tribunal by registered post on 13th February 1952 to the concerned workman calling upon him to file a statement of his case on or before 29th February 1952. The notice was returned to the office unserved. After reference to this Tribunal a second notice was issued by registered post on 13th November 1952 to the workman calling upon him to file a statement of his case on or before 1st December 1952. This was also returned to the office unserved. A reference to the proceedings before the Sen Tribunal showed that when the matter appeared before them they did not consider it necessary to give any direction in view of the Bank promising to see the record of the workman and pay him the allowance if it had not been paid already. The Bank was asked by our letter dated 9th March 1953, whether the Bank took any further action in the matter and whether the dispute still existed. The Bank has now written to say that the reconciliation allowance due to the workman was paid to him after looking into his record as promised by the Bank and that no dispute appears to be existing between him and the Bank.

In these circumstances no useful purpose is served in keeping this matter still pending. I therefore pass an award that no orders are necessary.

BOMBAY;

(Sd.) S. PANCHAPAGESA SAstry, Sole Member.

The 20th March 1953.

[No. LR-100(16).]

P. S. EASWARAN, Under Secy.

